

No. 25
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House of Representatives
90th Legislature
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House Chamber, Lansing, Thursday, March 16, 2000.

12:00 Noon.

The House was called to order by the Speaker Pro Tempore.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Allen—present	Frank—present	Kuipers—present	Rison—present
Baird—present	Garcia—present	Kukuk—present	Rivet—present
Basham—present	Garza—present	LaForge—excused	Rocca—present
Birkholz—present	Geiger—present	LaSata—present	Sanborn—present
Bisbee—present	Gielegthem—present	Law—present	Schauer—present
Bishop—present	Gilbert—present	Lemmons—present	Schermesser—excused
Bogardus—present	Godchaux—present	Lockwood—present	Scott—present
Bovin—present	Gosselin—present	Mans—present	Scranton—present
Bradstreet—present	Green—present	Martinez—present	Shackleton—present
Brater—present	Hager—present	Mead—present	Sheltrown—present
Brewer—present	Hale—present	Middaugh—present	Shulman—present
Brown, Bob—present	Hanley—present	Minore—present	Spade—present
Brown, Cameron—present	Hansen—present	Mortimer—present	Stallworth—present
Byl—present	Hardman—present	Neumann—present	Stamas—present
Callahan—present	Hart—present	O’Neil—present	Switalski—present
Cassis—present	Howell—present	Pappageorge—present	Tabor—present
Caul—present	Jacobs—present	Patterson—present	Tesanovich—present
Cherry—present	Jamnack—present	Perricone—present	Thomas—present
Clark—present	Jansen—present	Pestka—present	Toy—present
Clarke—present	Jelinek—present	Price—present	Vander Roest—present
Daniels—present	Jellema—present	Prusi—present	Van Woerkom—present
DeHart—excused	Johnson, Rick—present	Pumford—present	Vaughn—present
Dennis—present	Johnson, Ruth—present	Quarles—present	Vear—present
DeRossett—present	Julian—present	Raczkowski—present	Voorhees—present
DeVuyst—present	Kelly—present	Reeves—present	Wojno—present
DeWeese—present	Kilpatrick—present	Richardville—present	Woodward—present
Ehardt—present	Koetje—present	Richner—present	Woronchak—present
Faunce—present	Kowall—present		

Rep. Bill Callahan, from the 26th District, offered the following invocation:

“Let us bow our heads and remember the example of Ireland’s patron, Saint Patrick, whose feast day we commemorate tomorrow. Of course, legend has it that Patrick converted Ireland in the 5th Century. Ireland ‘where the wind has a sound like a sweet song, and anyone can hum it, and the heather grows upon the hills, and shamrocks not far from it.’ A contemporary of Saint Patrick, Saint Brigid, said herself: ‘God bless the poor, God bless the sick, God bless our human race, God bless our food, God bless our drink and our homes, O God, embrace.’ In the words of a traditional Irish blessing, ‘may your neighbors respect you, trouble neglect you, the angles protect you, and heaven accept you.’ ‘May your blessings outnumber the shamrocks that grow, and may trouble avoid you, wherever you go.’ And, ‘when the first light of sun—God bless you, when the long day is done—bless you, in your smiles and your tears—bless you, through each day of your years—bless you.’ Finally, ‘may the good Lord take a liking to you—but not too soon!’ Bless the work we do here today. Enjoy your day tomorrow, and share your gifts with those less fortunate—an Irish trait for centuries, as Patrick well knew! Amen.”

Rep. Scott moved that Reps. DeHart, LaForge and Schermesser be excused from today’s session.
The motion prevailed.

Rep. Frank, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call No. 140. Had I been present, I would have voted ‘yea’.”

Rep. Lockwood, under Rule 33, made the following statement:

“Mr. Speaker and members of the House:

I was absent from the Chamber when the vote was taken on Roll Call Nos. 137-140. Had I been present, I would have voted ‘yea’.”

Messages from the Senate

The Speaker laid before the House

House Bill No. 4026, entitled

A bill to amend 1976 PA 388, entitled “Michigan campaign finance act,” by amending section 16 (MCL 169.216), as amended by 1992 PA 188.

(The bill was received from the Senate on February 17 with substitute (S-2), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until today, see House Journal No. 13, p. 194.)

The question being on concurring in the substitute (S-2) made to the bill by the Senate,

The substitute (S-2) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 141

Yeas—106

Allen	Frank	Kowall	Richner
Baird	Garcia	Kuipers	Rivet
Basham	Garza	Kukuk	Rocca
Birkholz	Geiger	LaSata	Sanborn
Bisbee	Gielegthem	Law	Schauer
Bishop	Gilbert	Lemmons	Scott
Bogardus	Godchaux	Lockwood	Scranton
Bovin	Gosselin	Mans	Shackleton

Bradstreet	Green	Martinez	Sheltrown
Brater	Hager	Mead	Shulman
Brewer	Hale	Middaugh	Spade
Brown, B.	Hanley	Minore	Stallworth
Brown, C.	Hansen	Mortimer	Stamas
Byl	Hardman	Neumann	Switalski
Callahan	Hart	O'Neil	Tabor
Cassis	Howell	Pappageorge	Tesanovich
Caul	Jacobs	Patterson	Thomas
Cherry	Jamnick	Perricone	Toy
Clark, I.	Jansen	Pestka	Van Woerkom
Clarke, H.	Jelinek	Price	Vander Roest
Daniels	Jellema	Prusi	Vaughn
Dennis	Johnson, Rick	Pumford	Vear
DeRossett	Johnson, Ruth	Quarles	Voorhees
DeVuyst	Julian	Rackowski	Wojno
DeWeese	Kelly	Reeves	Woodward
Ehardt	Kilpatrick	Richardville	Woronchak
Faunce	Koetje		

Nays—0

In The Chair: Birkholz

The House agreed to the title as amended.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

Rep. Julian moved that Rep. Tabor be excused for the balance of today's session.

The motion prevailed.

The Speaker laid before the House

House Bill No. 4523, entitled

A bill to amend 1976 PA 388, entitled "Michigan campaign finance act," by amending section 35 (MCL 169.235), as amended by 1989 PA 95.

(The bill was received from the Senate on February 22, with substitute (S-1), title amendment and immediate effect given by the Senate, consideration of which, under the rules, was postponed until February 23, see House Journal No. 14, p. 207.)

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

Rep. Richner moved to amend the Senate substitute (S-1) as follows:

1. Amend page 4, following line 2, by striking out all of enacting section 1.

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

The question being on concurring in the substitute (S-1) made to the bill by the Senate,

The substitute (S-1), as amended, was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 142

Yeas—86

Allen	Faunce	Kilpatrick	Richardville
Baird	Frank	Koetje	Richner
Basham	Garcia	Kowall	Rocca
Birkholz	Garza	Kuipers	Sanborn
Bisbee	Geiger	Kukuk	Schauer

Bishop	Gielegthem	LaSata	Scranton
Bovin	Gilbert	Law	Shackleton
Bradstreet	Godchaux	Lockwood	Sheltrown
Brater	Gosselin	Mans	Shulman
Brewer	Green	Martinez	Spade
Brown, B.	Hager	Mead	Stamas
Brown, C.	Hansen	Middaugh	Switalski
Byl	Hart	Mortimer	Thomas
Callahan	Howell	Neumann	Toy
Cassis	Jacobs	O'Neil	Van Woerkom
Caul	Jamnick	Pappageorge	Vander Roest
Clarke, H.	Jansen	Patterson	Vear
Dennis	Jelinek	Perricone	Voorhees
DeRossett	Jellema	Pestka	Wojno
DeVuyst	Johnson, Rick	Pumford	Woodward
DeWeese	Johnson, Ruth	Raczkowski	Woronchak
Ehardt	Julian		

Nays—20

Bogardus	Hanley	Price	Rivet
Cherry	Hardman	Prusi	Scott
Clark, I.	Kelly	Quarles	Stallworth
Daniels	Lemmons	Reeves	Tesanovich
Hale	Minore	Rison	Vaughn

In The Chair: Birkholz

The House agreed to the title as amended.

House Bill No. 5341, entitled

A bill to amend 1978 PA 361, entitled "Michigan exposition and fairgrounds act," by amending sections 2, 5, 6, 7, 8, 9, and 11 (MCL 285.162, 285.165, 285.166, 285.167, 285.168, 285.169, and 285.171) and by adding sections 14a and 15a; and to repeal acts and parts of acts.

The Senate has substituted (S-3) the bill.

The Senate has passed the bill as substituted (S-3), ordered that it be given immediate effect and pursuant to Joint Rule 20, inserted the full title.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

Rep. Raczkowski moved that Rule 45 be suspended.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on concurring in the substitute (S-3) made to the bill by the Senate,

The substitute (S-3) was concurred in, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 143**Yeas—103**

Allen	Faunce	Koetje	Richner
Baird	Frank	Kowall	Rison
Basham	Garcia	Kuipers	Rivet
Birkholz	Garza	Kukuk	Rocca
Bisbee	Geiger	LaSata	Sanborn
Bishop	Gielegthem	Law	Schauer

Bogardus	Gilbert	Lemmons	Scott
Bovin	Gosselin	Lockwood	Scranton
Bradstreet	Green	Mans	Shackleton
Brater	Hager	Martinez	Sheltrown
Brewer	Hale	Mead	Shulman
Brown, B.	Hanley	Middaugh	Spade
Brown, C.	Hansen	Minore	Stallworth
Byl	Hardman	Mortimer	Stamas
Callahan	Hart	Neumann	Switalski
Cassis	Howell	O'Neil	Tesanovich
Caul	Jacobs	Pappageorge	Thomas
Cherry	Jamnick	Patterson	Toy
Clark, I.	Jansen	Perricone	Van Woerkom
Clarke, H.	Jelinek	Pestka	Vander Roest
Daniels	Jellema	Price	Vear
Dennis	Johnson, Rick	Prusi	Voorhees
DeRossett	Johnson, Ruth	Pumford	Wojno
DeVuyst	Julian	Quarles	Woodward
DeWeese	Kelly	Reeves	Woronchak
Ehardt	Kilpatrick	Richardville	

Nays—1

Raczkowski

In The Chair: Birkholz

The House agreed to the full title of the bill.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

Second Reading of Bills

Senate Bill No. 737, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 217d (MCL 257.217d), as added by 1980 PA 124.

The bill was read a second time.

Rep. Rocca moved to substitute (H-2) the bill.

The motion prevailed and the substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Raczkowski moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed, a majority of the members voting therefor.

Rep. Raczkowski moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

Third Reading of Bills

Senate Bill No. 737, entitled

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 217d (MCL 257.217d), as added by 1980 PA 124.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 144**Yeas—105**

Allen	Frank	Koetje	Richner
Baird	Garcia	Kowall	Rison
Basham	Garza	Kuipers	Rivet
Birkholz	Geiger	Kukuk	Rocca
Bisbee	Gielegthem	LaSata	Sanborn
Bishop	Gilbert	Law	Schauer
Bogardus	Godchaux	Lemmons	Scott
Bovin	Gosselin	Lockwood	Scranton
Bradstreet	Green	Mans	Shackleton
Brater	Hager	Martinez	Sheltrown
Brewer	Hale	Mead	Shulman
Brown, B.	Hanley	Middaugh	Spade
Brown, C.	Hansen	Mortimer	Stallworth
Byl	Hardman	Neumann	Stamas
Callahan	Hart	O'Neil	Switalski
Cassis	Howell	Pappageorge	Tesanovich
Caul	Jacobs	Patterson	Thomas
Cherry	Jamnick	Perricone	Toy
Clark, I.	Jansen	Pestka	Van Woerkom
Clarke, H.	Jelinek	Price	Vander Roest
Daniels	Jellema	Prusi	Vaughn
Dennis	Johnson, Rick	Pumford	Vear
DeRossett	Johnson, Ruth	Quarles	Voorhees
DeVuyst	Julian	Raczkowski	Wojno
DeWeese	Kelly	Reeves	Woodward
Ehardt	Kilpatrick	Richardville	Woronchak
Faunce			

Nays—0

In The Chair: Birkholz

Pursuant to Joint Rule 20, the full title of the act shall be inserted to read as follows:

“An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.”.

The House agreed to the full title.

Rep. Raczkowski moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Rep. Raczkowski moved that House Committees be given leave to meet during the balance of today's session.
The motion prevailed.

Rep. Raczkowski moved that when the House adjourns today it stand adjourned until Tuesday, March 21, at 12:00 Noon.
The motion prevailed.

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. DeRossett, Richardville, Law, Vear, Rocca, Ruth Johnson, Hale, Green, Ehardt, DeWeese, Pappageorge, Jellema, Frank, Spade, Cherry, Kelly, Mead, Bishop, Van Woerkom, Faunce, Kowall, Julian, Koetje, Kukuk, LaSata, Toy, Sheltroun, Prusi, Cassis, Tabor, Lemmons, Neumann, Vander Roest, Brater, Switalski, Gielegem, Scott, Tesanovich, Howell, Baird, Hager, Voorhees, Rick Johnson, Jamnick, Gosselin, Mans, Garcia, Birkholz, Perricone, DeVuyst, Shulman, Vaughn, Caul, Raczkowski and Sanborn offered the following resolution:

House Resolution No. 302.

A resolution commemorating the 85th Anniversary of the Monroe County Chapter of the American Red Cross.

Whereas, In times of war and natural disaster, the sign of the Red Cross on a white background has meant that help was at hand to countless victims the world over. Since April 30, 1915, the residents of Monroe County have formally been a very prominent part of the Red Cross movement and it is a pleasure to salute them as they celebrate the 85th anniversary of the Monroe County Chapter; and

Whereas, On April 30, 1915, several prominent citizens of the community, many already members of the National American Red Cross, organized a Red Cross chapter in Monroe County. During that first year, they conducted a membership drive, recruited an anti-tuberculosis nurse to visit the area, provided funds to aid the starving in Mexico, and began a Red Cross Christmas stamp campaign. These activities were the beginning of an 85-year tradition of services that have taken the generosity of the county's residents to people in need in all parts of the world; and

Whereas, This year on April 30, the 85th anniversary of the Monroe County Chapter's founding, we are pleased to join the ceremonies recognizing the valuable contribution of past and present volunteers. While the mission of the American Red Cross has continued to be the provision of relief and care to the suffering, and with the venue constantly shifting, the Monroe County Chapter has demonstrated remarkable adaptability to meet the changing local and global needs; and

Whereas, The Red Cross today is a major provider of blood products used in the United States and Monroe County donors have been generously giving over 4,000 units of blood each year. The Chapter also offers courses in cardiopulmonary resuscitation, first aid, water supply, babysitting, and HIV/AIDS education. The Chapter also provides emergency disaster relief assistance to residents county-wide and maintains its important link between armed forces personnel and their families in Monroe County; now, therefore, be it

Resolved by the House of Representatives, That we join with members and friends in commemorating the 85th anniversary of the Monroe County Chapter of the American Red Cross; and be it further

Resolved, That a copy of this resolution be transmitted to the Chapter as evidence of our esteem and admiration.

Pending the reference of the resolution to a committee,

Rep. Raczkowski moved that Rule 77 be suspended and the resolution be considered at this time.

The motion prevailed, 3/5 of the members present voting therefor.

The question being on the adoption of the resolution,

The resolution was adopted.

Reports of Select Committees

House Bill No. 4305, entitled

A bill to make, supplement, and adjust appropriations for the department of environmental quality for the fiscal year ending September 30, 2000 and other fiscal periods; to prescribe the powers and duties of certain state agencies and officials; and to provide for the expenditure of the appropriations.

(For text of conference report, see House Journal No. 23, p. 379.)

The Senate has adopted the report of the Committee of Conference.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

Reports of Standing Committees

The Committee on Appropriations, by Rep. Geiger, Chair, reported

House Bill No. 5274, entitled

A bill to make appropriations for the department of career development and the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5274 To Report Out:

Yeas: Reps. Geiger, Jellema, Cameron Brown, Byl, Caul, Godchaux, Jansen, Jelinek, Kukuk, LaSata, Mead, Mortimer, Pappageorge, Pumford, Scranton, Stamas, Toy, Price, Cherry, Clarke, Frank, Kelly, Martinez, Pestka, Prusi, Stallworth, Tesanovich,

Nays: None.

The Committee on Appropriations, by Rep. Geiger, Chair, reported

House Bill No. 5275, entitled

A bill to make appropriations for the department of consumer and industry services and certain other state purposes for the fiscal year ending September 30, 2001; to provide for the expenditure of those appropriations; to provide for the imposition of certain fees; to provide for the disposition of fees and other income received by the state agencies; to provide for reports to certain persons; and to prescribe powers and duties of certain state departments and certain state and local agencies and officers.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5275 To Report Out:

Yeas: Reps. Geiger, Jellema, Cameron Brown, Byl, Caul, Godchaux, Jelinek, Kukuk, LaSata, Mead, Mortimer, Pappageorge, Pumford, Scranton, Stamas, Toy, Pestka,

Nays: Reps. Price, Cherry, Clarke, Prusi, Stallworth, Tesanovich.

The Committee on Appropriations, by Rep. Geiger, Chair, reported

House Bill No. 5281, entitled

A bill to make appropriations for the department of natural resources for the fiscal year ending September 30, 2001; to provide for the expenditure of those appropriations; to create funds and accounts; to require reports; to prescribe certain powers and duties of certain state agencies and officials; to authorize certain transfers by certain state agencies; and to provide for the disposition of fees and other income received by the various state agencies.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5281 To Report Out:

Yeas: Reps. Geiger, Jellema, Cameron Brown, Byl, Caul, Godchaux, Jansen, Jelinek, Kukuk, LaSata, Mead, Mortimer, Pappageorge, Pumford, Scranton, Stamas, Toy, Price, Cherry, Frank Kelly, Martinez, Pestka, Prusi, Stallworth, Tesanovich,

Nays: None.

The Committee on Appropriations, by Rep. Geiger, Chair, reported

House Bill No. 5284, entitled

A bill to make appropriations for the state transportation department and certain transportation purposes for the fiscal year ending September 30, 2001; to provide for the imposition of fees; to provide for reports; to create certain funds and programs; to prescribe requirements for certain railroad and bus facilities; to prescribe certain powers and duties of certain state departments and officials, certain state institutions of higher education, and local units of government; and to provide for the expenditure of the appropriations.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5284 To Report Out:

Yeas: Reps. Geiger, Jellema, Cameron Brown, Byl, Caul, Godchaux, Jansen, Jelinek, Kukuk, LaSata, Mead, Mortimer, Pappageorge, Pumford, Scranton, Stamas, Toy, Cherry, Kelly, Martinez, Pestka, Prusi, Stallworth, Tesanovich,
Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Geiger, Chair of the Committee on Appropriations, was received and read:
Meeting held on: Wednesday, March 15, 2000, at 9:00 a.m.,

Present: Reps. Geiger, Jellema, Cameron Brown, Byl, Caul, Godchaux, Jansen, Jelinek, Kukuk, LaSata, Mead, Mortimer, Pappageorge, Pumford, Scranton, Stamas, Toy, Price, Cherry, Clarke, Frank, Kelly, Martinez, Pestka, Prusi, Stallworth, Tesanovich.

The Committee on Health Policy, by Rep. Law, Chair, reported

Senate Bill No. 1006, entitled

A bill to amend 1974 PA 258, entitled "Mental health code," by amending sections 204a and 210 (MCL 330.1204a and 330.1210), section 204a as added and section 210 as amended by 1995 PA 290.

With the recommendation that the following amendment be adopted and that the bill then pass.

1. Amend page 1, following line 9, by inserting:

"(2) A MENTAL HEALTH SERVICES ORGANIZATION OPERATING PURSUANT TO THIS SECTION WHICH INCLUDES AN INSTITUTION OF HIGHER EDUCATION SHALL COMPLY WITH THE PROVISIONS OF SECTION 5 (G) (i) AND (ii) OF MCL 124.505, AND, IF THEY CHOOSE TO PROVIDE SERVICES CURRENTLY BEING PROVIDED BY THE EMPLOYEES OF PUBLIC AGENCIES THAT CREATED THE AGREEMENT, THEY MAY ONLY PROVIDE THOSE SERVICES BY TRANSFERRING THE APPROPRIATE EMPLOYEES OR THROUGH A CONTRACTUAL RELATIONSHIP WITH THE CREATING AGENCIES." and renumbering the remaining subsection.

The bill and amendment were referred to the order of Second Reading of Bills.

Favorable Roll Call

SB 1006 To Report Out:

Yeas: Reps. Law, DeWeese, DeRossett, Ehardt, Gosselin, Green, Ruth Johnson, Raczkowski, Rocca, Vear, Schauer, Baird, Dennis, Jacobs, Neumann, Reeves, Woodward,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Law, Chair of the Committee on Health Policy, was received and read:
Meeting held on: Thursday, March 16, 2000, at 10:30 a.m.,

Present: Reps. Law, DeWeese, DeRossett, Ehardt, Gosselin, Green, Ruth Johnson, Raczkowski, Rocca, Vear, Schauer, Baird, Dennis, Jacobs, Neumann, Reeves, Woodward.

The Committee on Conservation and Outdoor Recreation, by Rep. Tabor, Vice-Chair, reported

House Bill No. 4388, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 1606 (MCL 324.1606), as added by 1995 PA 60.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 4388 To Report Out:

Yeas: Reps. DeVuyst, Tabor, Allen, Green, Kowall, Middaugh, Patterson, Sanborn, Mans,

Nays: Rep. Sheltroun.

The Committee on Conservation and Outdoor Recreation, by Rep. Tabor, Vice-Chair, reported

House Bill No. 5222, entitled

A bill to amend 1998 PA 363, entitled "An act to authorize the state administrative board to convey certain state owned property in Ingham county; to authorize the department of natural resources to convey certain parcels of state owned property in Roscommon county; to prescribe conditions for the conveyance; to provide for certain powers and duties of the department of management and budget and certain municipalities in regard to certain property; and to provide for disposition of the revenue derived from the conveyance," by amending sections 2 and 3.

With the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5222 To Report Out:

Yeas: Reps. DeVuyst, DeRossett, Allen, Green, Kowall, Middaugh, Patterson, Sanborn, Callahan, Basham, Brater, Gielegghem, Mans, Sheltrown,

Nays: None.

The Committee on Conservation and Outdoor Recreation, by Rep. Tabor, Vice-Chair, reported

Senate Bill No. 876, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8801 (MCL 600.8801), as amended by 1996 PA 211.

With the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

SB 876 To Report Out:

Yeas: Reps. DeVuyst, Tabor, DeRossett, Allen, Green, Kowall, Middaugh, Patterson, Sanborn, Callahan, Basham, Brater, Gielegghem, Mans, Sheltrown,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Tabor, Vice-Chair of the Committee on Conservation and Outdoor Recreation, was received and read:

Meeting held on: Thursday, March 16, 2000, at 8:00 a.m.,

Present: Reps. DeVuyst, Tabor, DeRossett, Allen, Green, Kowall, Middaugh, Patterson, Sanborn, Callahan, Basham, Brater, Gielegghem, Mans, Sheltrown.

The Committee on Local Government and Urban Policy, by Rep. Birkholz, Chair, reported

House Bill No. 4761, entitled

A bill to amend 1966 PA 261, entitled "An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending sections 10 and 12 (MCL 46.410 and 46.412), section 12 as amended by 1982 PA 504.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 4761 To Report Out:

Yeas: Reps. Birkholz, Hager, Bishop, Julian, Tabor, Vander Roest, Lockwood, Jamnick, Minore, Reeves,

Nays: None.

The Committee on Local Government and Urban Policy, by Rep. Birkholz, Chair, reported
House Bill No. 5316, entitled

A bill to authorize certain governmental units to issue notes or bonds for planning for the acquisition, construction, improvement, or installation of safe drinking water facilities; to provide security for the payment of the principal of and interest on the notes or bonds; and to prescribe the powers and duties of certain governmental units.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5316 To Report Out:

Yeas: Reps. Birkholz, Hager, Bishop, Julian, Tabor, Vander Roest, Lockwood, Jamnick, Minore, Reeves,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Birkholz, Chair of the Committee on Local Government and Urban Policy, was received and read:

Meeting held on: Thursday, March 16, 2000, at 9:00 a.m.,

Present: Reps. Birkholz, Hager, Bishop, DeWeese, Julian, Tabor, Vander Roest, Lockwood, Jamnick, Minore, Reeves.

The Committee on Family and Civil Law, by Rep. Richner, Chair, reported

Senate Bill No. 1045, entitled

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending sections 1103, 1105, 1106, 1107, 1213, 1214, 1303, 1402, 2114, 2202, 2203, 2205, 2504, 2519, 2702, 2718, 2807, 3102, 3204, 3301, 3401, 3412, 3414, 3505, 3806, 3807, 3901, 3902, 3917, 3921, 3956, 5101, 5204, 5213, 5219, 5308, 5406, 6302, 6306, 7206, 7303, 7409, 7501, and 7507 (MCL 700.1103, 700.1105, 700.1106, 700.1107, 700.1213, 700.1214, 700.1303, 700.1402, 700.2114, 700.2202, 700.2203, 700.2205, 700.2504, 700.2519, 700.2702, 700.2718, 700.2807, 700.3102, 700.3204, 700.3301, 700.3401, 700.3412, 700.3414, 700.3505, 700.3806, 700.3807, 700.3901, 700.3902, 700.3917, 700.3921, 700.3956, 700.5101, 700.5204, 700.5213, 700.5219, 700.5308, 700.5406, 700.6302, 700.6306, 700.7206, 700.7303, 700.7409, 700.7501, and 700.7507); and to repeal acts and parts of acts.

With the recommendation that the following amendments be adopted and that the bill then pass.

1. Amend page 7, following line 11, by inserting:

"(I) "LEGALLY INCAPACITATED INDIVIDUAL" MEANS AN INDIVIDUAL FOR WHOM A GUARDIAN IS APPOINTED UNDER THIS ACT OR AN INDIVIDUAL WHO HAS BEEN ADJUDGED BY A COURT TO BE AN INCAPACITATED INDIVIDUAL." and relettering the remaining subdivision.

2. Amend page 36, line 15, after "adults" by inserting "who will not receive assets under this will".

3. Amend page 46, line 21, after the second "or" by inserting "LEGALLY".

4. Amend page 64, following line 23, by inserting:

"Sec. 3924. (1) For the purpose of settling a claim as to which an action is not pending in another court for damages for wrongful death or for a claim existing under this state's laws relating to the survival of actions, if a personal representative petitions the court in writing asking leave to settle the claim and after notice to all persons who may be entitled to damages as provided in section 2922 of the revised judicature act of 1961, being section 600.2922 of the Michigan Compiled Laws, the court may conduct a hearing and approve or reject the settlement.

(2) The proceeds of a court settlement of a cause of action for wrongful death shall be distributed in accordance with all of the following:

(a) The personal representative shall file with the court a petition for authority to distribute the proceeds. Upon the filing of the petition, the court shall order a hearing.

(b) Unless waived, notice of hearing must be given to all persons who may be entitled to damages as provided in section 2922 of the revised judicature act of 1961. A notice under this subdivision must contain both of the following:

(i) The name and address of the personal representative and of the personal representative's attorney.

(ii) A statement that, to recover damages under this section, the person who may be entitled to damages must present a claim for damages to the personal representative on or before the date set for hearing on the petition for distribution of the proceeds, and that failure to present a claim for damages within the time provided bars the person from making a claim to any of the proceeds.

(c) If an interested person is a minor, disappeared person, or incapacitated individual for whom a fiduciary is not appointed, the court shall first appoint a fiduciary or guardian ad litem, and the notice as provided in subdivision (b) shall be given to the fiduciary or guardian ad litem.

(d) After a hearing on the personal representative's petition, the court shall order payment from the proceeds of the decedent's reasonable medical, hospital, funeral, and burial expenses for which the estate is liable. The proceeds shall not be applied to the payment of any other charges against the decedent's estate. The court shall then enter an order distributing the proceeds to those persons designated in section 2922 of the revised judicature act of 1961 who suffered damages and to the decedent's estate for compensation for conscious pain and suffering, if any, in the amount the court considers fair and equitable considering the relative damages sustained by each of the persons and the decedent's estate.

(e) If none of the persons entitled to the proceeds is a minor, disappeared person, or LEGALLY incapacitated individual and all of the persons entitled to the proceeds execute a sworn stipulation or agreement in writing in which each person's portion of the proceeds is specified, the court order shall be entered in accordance with the stipulation or agreement.

(f) A person who may be entitled to damages under this section must present a claim for damages to the personal representative on or before the date set for hearing on the petition for distribution of the proceeds. Failure to present a claim for damages within the time provided by this section bars the person from making a claim to any of the proceeds.

(g) If a claim for wrongful death is pending in another court, the procedures prescribed in section 2922 of the revised judicature act of 1961 are applicable to the distribution of proceeds of a settlement or judgment."

5. Amend page 67, following line 12, by inserting:

"Sec. 5103. By a properly executed power of attorney, a parent or guardian of a minor or a guardian of an A LEGALLY incapacitated individual may delegate to another person, for a period not exceeding 6 months, any of the parent's or guardian's powers regarding care, custody, or property of the minor child or ward, except the power to consent to marriage or adoption of a minor ward or to release of a minor ward for adoption. If a guardian for a minor or LEGALLY incapacitated individual delegates any power under this section, the guardian shall notify the court within 7 days after execution of the power of attorney, and provide the court the name, address, and telephone number of the attorney-in-fact.

Sec. 5202. (1) The parent of an unmarried minor may appoint a guardian for the minor by will or by another writing signed by the parent and attested by at least 2 witnesses.

(2) Subject to the right of the minor under section 5203, if both parents are dead or HAVE BEEN ADJUDGED TO BE LEGALLY incapacitated or the surviving parent has no parental rights or has been adjudged to be LEGALLY incapacitated, a parental appointment becomes effective when the guardian's acceptance is filed in the court in which a nominating instrument is probated or, in the case of a nontestamentary nominating instrument, in the court at the place where the minor resides or is present. If both parents are dead, an effective appointment by the parent who died later has priority.

(3) A parental appointment effected by filing the guardian's acceptance under a will probated in the state of the testator's domicile is effective in this state.

(4) Upon acceptance of appointment, the guardian shall give written notice of acceptance to the minor and to the person having the minor's care or the minor's nearest adult relative."

6. Amend page 71, following line 15, by inserting:

"Sec. ~~5301~~ 5301. (1) If serving as guardian, the parent of an unmarried LEGALLY incapacitated individual may appoint by will, or other writing signed by the parent and attested by at least 2 witnesses, a guardian for the LEGALLY incapacitated individual. If both parents are dead or the surviving parent is adjudged LEGALLY incapacitated, a parental appointment becomes effective when, after having given 7 days' prior written notice of intention to do so to the LEGALLY incapacitated individual and to the person having the care of the LEGALLY incapacitated individual or to the nearest adult relative, the guardian files acceptance of appointment in the court in which the will is probated or, in the case of a nontestamentary nominating instrument, in the court at the place where the LEGALLY incapacitated individual resides or is present. The notice must state that the appointment may be terminated by filing a written objection in the court as provided by subsection (4). If both parents are dead, an effective appointment by the parent who died later has priority.

(2) If serving as guardian, the spouse of a married LEGALLY incapacitated individual may appoint by will, or other writing signed by the spouse and attested by at least 2 witnesses, a guardian of the LEGALLY incapacitated individual. The appointment becomes effective when, after having given 7 days' prior written notice of intention to do so to the LEGALLY incapacitated individual and to the person having care of the LEGALLY incapacitated individual or to the nearest adult relative, the guardian files acceptance of appointment in the court in which the will is probated or, in the case of a nontestamentary nominating instrument, in the court at the place where the LEGALLY incapacitated individual resides or is present. The notice must state that the appointment may be terminated by filing a written objection in the court as provided by subsection (4).

(3) An appointment effected by filing the guardian's acceptance under a will probated in the state of the decedent's domicile is effective in this state.

(4) Upon the filing of the LEGALLY incapacitated individual's written objection to a guardian's appointment under this section in either the court in which the will was probated or, for a nontestamentary nominating instrument, the court at the place where the LEGALLY incapacitated individual resides or is present, the appointment is terminated. An objection does not prevent appointment by the court in a proper proceeding of the parental or spousal nominee or another suitable person upon an adjudication of incapacity in a proceeding under sections 5302 to 5317."

7. Amend page 71, line 17, by striking out "an" and inserting "A LEGALLY".

8. Amend page 71, following line 23, by inserting:

"Sec. 5310. (1) On petition of the guardian and subject to the filing and approval of a report prepared as required by section 5314, the court shall accept the guardian's resignation and make any other order that is appropriate.

(2) The ward or a person interested in the ward's welfare may petition for an order removing the guardian, appointing a successor guardian, modifying the guardianship's terms, or terminating the guardianship. A request for this order may be made by informal letter to the court or judge. A person who knowingly interferes with the transmission of this kind of request to the court or judge is subject to a finding of contempt of court.

(3) Except as otherwise provided in the order finding incapacity, upon receiving a petition or request under this section, the court shall set a date for a hearing to be held within 28 days after the receipt of the petition or request. An order finding incapacity may specify a minimum period, not exceeding 182 days, during which a petition or request for a finding that a ward is no longer AN incapacitated INDIVIDUAL, or for an order removing the guardian, modifying the guardianship's terms, or terminating the guardianship, shall not be filed without special leave of the court.

(4) Before removing a guardian, appointing a successor guardian, modifying the guardianship's terms, or terminating a guardianship, and following the same procedures to safeguard the ward's rights as apply to a petition for a guardian's appointment, the court may send a visitor to the present guardian's residence and to the place where the ward resides or is detained to observe conditions and report in writing to the court.

Sec. 5312. (1) If an individual does not have a guardian, an emergency exists, and no other person appears to have authority to act in the circumstances, the court shall provide notice to the individual alleged to be incapacitated and shall hold a hearing. Upon a showing that the individual is AN incapacitated INDIVIDUAL, the court may exercise the power of a guardian, or appoint a temporary guardian with only the powers and for the period of time as ordered by the court. A hearing with notice as provided in section 5311 shall be held within 28 days after the court has acted under this subsection.

(2) If an appointed guardian is not effectively performing the guardian's duties and the court further finds that the LEGALLY incapacitated individual's welfare requires immediate action, the court may appoint, with or without notice, a temporary guardian for the LEGALLY incapacitated individual for a specified period not to exceed 6 months.

(3) A temporary guardian is entitled to the care and custody of the ward, and the authority of a permanent guardian previously appointed by the court is suspended as long as a temporary guardian has authority. A temporary guardian may be removed at any time. A temporary guardian shall make reports as the court requires. In other respects, the provisions of this act concerning guardians apply to temporary guardians.

Sec. 5313. (1) A competent person, including a nonprofit corporation described in section 5106, may be appointed guardian of ~~an~~ A LEGALLY incapacitated individual. The court shall not appoint as a guardian an agency, public or private, that financially benefits from directly providing housing, medical, or social services to the LEGALLY incapacitated individual.

(2) In appointing a guardian under this section, the court shall appoint a person, if suitable and willing to serve, designated by the individual who is the subject of the petition, including a designation made in a durable power of attorney. If a specific designation is not made or a person designated is not suitable or willing to serve, the court may appoint as a guardian a person named as attorney in fact through a durable power of attorney.

(3) If a person is not designated under subsection (2) or a person designated under subsection (2) is not suitable or willing to serve, the court may appoint as a guardian an individual who is related to the subject of the petition in the following order of preference:

(a) The LEGALLY incapacitated individual's spouse. This subdivision shall be considered to include a person nominated by will or other writing signed by a deceased spouse.

(b) An adult child of the LEGALLY incapacitated individual.

(c) A parent of the LEGALLY incapacitated individual. This subdivision shall be considered to include a person nominated by will or other writing signed by a deceased parent.

(d) A relative of the LEGALLY incapacitated individual with whom the individual has resided for more than 6 months before the filing of the petition.

(e) A person nominated by the person who is caring for the individual or paying benefits to the individual.

(4) If none of the persons listed in subsection (3) is suitable or willing to serve, the court may appoint any competent person who is suitable and willing to serve.

Sec. 5314. Whenever meaningful communication is possible, ~~an~~ A LEGALLY incapacitated individual's guardian should consult with the LEGALLY incapacitated individual before making a major decision affecting the LEGALLY incapacitated individual. Except as limited under section 5306, ~~an~~ A LEGALLY incapacitated individual's guardian is responsible for the ward's care, custody, and control, but is not liable to third persons by reason of that responsibility for the ward's acts. In particular and without qualifying the foregoing, a guardian has all of the following powers and duties, except as modified by court order:

(a) To the extent that it is consistent with the terms of an order by a court of competent jurisdiction relating to detention or commitment of the ward, the guardian is entitled to custody of the person of the guardian's ward and may establish the ward's place of residence within or without this state. The guardian must notify the court within 14 days of a change in the ward's place of residence.

(b) If entitled to custody of the ward, the guardian must make provision for the ward's care, comfort, and maintenance and, when appropriate, arrange for the ward's training and education. The guardian has the responsibility of securing services to restore the ward to the best possible state of mental and physical well-being so that the ward can return to self-management at the earliest possible time. Without regard to custodial rights of the ward's person, the guardian must take reasonable care of the ward's clothing, furniture, vehicles, and other personal effects and commence a protective proceeding if the ward's other property is in need of protection.

(c) A guardian may give the consent or approval that may be necessary to enable the ward to receive medical or other professional care, counsel, treatment, or service.

(d) If a conservator for the ward's estate is not appointed, a guardian may:

(i) Institute a proceeding to compel a person under a duty to support the ward or to pay sums for the ward's welfare to perform that duty.

(ii) Receive money and tangible property deliverable to the ward and apply the money and property for the ward's support, care, and education. The guardian shall not use money from the ward's estate for room and board that the guardian or the guardian's spouse, parent, or child have furnished the ward unless a charge for the service is approved by court order made upon notice to at least 1 of the ward's next of kin, if notice is possible. The guardian shall exercise care to conserve any excess for the ward's needs.

(e) The guardian shall report the condition of the ward and the ward's estate that is subject to the guardian's possession or control, as required by the court, but not less often than annually. A report under this subdivision must contain all of the following:

(i) The ward's current mental, physical, and social condition.

(ii) Any improvement or deterioration in the ward's mental, physical, and social condition that occurred during the past year.

(iii) The ward's present living arrangement and any changes in his or her living arrangement that occurred during the past year.

(iv) Whether the guardian recommends a more suitable living arrangement for the ward.

(v) Medical treatment received by the ward.

(vi) Services received by the ward.

(vii) A list of the guardian's visits with, and activities on behalf of, the ward.

(viii) A recommendation as to the need for continued guardianship.

(f) If a conservator is appointed, the guardian shall pay to the conservator, for management as provided in this act, the amount of the ward's estate received by the guardian in excess of the amount the guardian expends for the ward's current support, care, and education. The guardian shall account to the conservator for the amount expended.

Sec. 5316. To encourage self-reliance and independence in an A LEGALLY incapacitated individual, the court may authorize the individual to function without the consent or supervision of the individual's guardian or conservator in handling part of his or her money or property, including authorizing the individual to maintain an account with a financial institution. To the extent the individual is authorized to function autonomously, a person may deal with the individual as though the individual is mentally competent."

The bill and amendments were referred to the order of Second Reading of Bills.

Favorable Roll Call

SB 1045 To Report Out:

Yeas: Reps. Richner, Shulman, Hart, Law, Sanborn, Voorhees, Baird, Minore, Switalski,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Richner, Chair of the Committee on Family and Civil Law, was received and read:

Meeting held on: Thursday, March 16, 2000, at 9:00 a.m.,

Present: Reps. Richner, Shulman, Hart, Law, Sanborn, Voorhees, Baird, Minore, Switalski,
Absent: Reps. Koetje, Schermesser,
Excused: Reps. Koetje, Schermesser.

The Committee on Appropriations, by Rep. Geiger, Chair, reported

House Bill No. 5278, entitled

A bill to make appropriations for the departments of attorney general, civil rights, civil service, management and budget, state, and treasury, the executive office, and the legislative branch for the fiscal year ending September 30, 2001; to provide for the expenditure of these appropriations; to provide for the funding of certain work projects; to provide for the imposition of certain fees; to establish or continue certain funds, programs, and categories; to transfer certain funds; to prescribe certain requirements for bidding on state contracts; to provide for disposition of year-end balances for the fiscal year ending September 30, 2001; to prescribe the powers and duties of certain principal executive departments and state agencies, officials, and employees; and to provide for the disposition of fees and other income received by the various principal executive departments and state agencies.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5278 To Report Out:

Yeas: Reps. Geiger, Jellema, Cameron Brown, Byl, Caul, Godchaux, Jansen, Jelinek, Kukuk, LaSata, Mead, Mortimer, Pappageorge, Pumford, Stamas, Toy, Price, Cherry, Clarke, Frank, Kelly, Martinez, Pestka, Prusi, Stallworth, Tesanovich,

Nays: None.

The Committee on Appropriations, by Rep. Geiger, Chair, reported

House Bill No. 5510, entitled

A bill to make appropriations for the Michigan strategic fund and certain other state purposes for the fiscal year ending September 30, 2001; to provide for the expenditure of the appropriations; and to provide for the disposition of fees and other income received by the state agencies.

With the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5510 To Report Out:

Yeas: Reps. Geiger, Cameron Brown, Caul, Godchaux, Jansen, Kukuk, Mead, Mortimer, Pappageorge, Pumford, Stamas, Toy, Price, Cherry, Kelly, Martinez, Pestka, Stallworth, Tesanovich,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Geiger, Chair of the Committee on Appropriations, was received and read:

Meeting held on: Thursday, March 16, 2000, at 9:00 a.m.,

Present: Reps. Geiger, Jellema, Cameron Brown, Byl, Caul, Godchaux, Jansen, Jelinek, Kukuk, LaSata, Mead, Mortimer, Pappageorge, Pumford, Scranton, Stamas, Toy, Price, Cherry, Clarke, Frank, Kelly, Martinez, Pestka, Prusi, Stallworth, Tesanovich.

The Committee on Constitutional Law and Ethics, by Rep. Bishop, Chair, reported

House Bill No. 4327, entitled

A bill to amend 1978 PA 33, entitled "An act to prohibit the dissemination, exhibiting, or displaying of certain sexually explicit matter to minors; to prohibit certain misrepresentations facilitating the dissemination of sexually explicit matter to minors; to provide penalties; to provide for declaratory judgments and injunctive relief in certain instances; to impose certain duties upon prosecuting attorneys and the circuit court; to preempt local units of government from proscribing certain conduct; and to repeal certain acts and parts of acts," by amending sections 1, 5, and 7 (MCL 722.671, 722.675, and 722.677).

With the recommendation that the substitute (H-4) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 4327 To Report Out:

Yeas: Reps. Bishop, Patterson, Bradstreet, Green, Rocca,

Nays: None.

The Committee on Constitutional Law and Ethics, by Rep. Bishop, Chair, reported

House Bill No. 5124, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 303a (MCL 339.303a), as amended by 1995 PA 183, and by adding article 17A.

With the recommendation that the substitute (H-4) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5124 To Report Out:

Yeas: Reps. Bishop, Patterson, Bradstreet, Green, Rocca,

Nays: Rep. Lemmons.

The Committee on Constitutional Law and Ethics, by Rep. Bishop, Chair, reported

House Bill No. 5127, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," (MCL 339.101 to 339.2721) by adding article 17A.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5127 To Report Out:

Yeas: Reps. Bishop, Patterson, Bradstreet, Green, Rocca,

Nays: None.

The Committee on Constitutional Law and Ethics, by Rep. Bishop, Chair, reported

House Bill No. 5133, entitled

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5208.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5133 To Report Out:

Yeas: Reps. Bishop, Patterson, Bradstreet, Green, Rocca,

Nays: None.

The Committee on Constitutional Law and Ethics, by Rep. Bishop, Chair, reported

House Bill No. 5469, entitled

A bill to amend 1980 PA 299, entitled "Occupational code," (MCL 339.101 to 339.2721) by adding section 523.

With the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

HB 5469 To Report Out:

Yeas: Reps. Bishop, Patterson, Bradstreet, Green, Rocca,

Nays: None.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Bishop, Chair of the Committee on Constitutional Law and Ethics, was received and read:

Meeting held on: Thursday, March 16, 2000, at 2:40 p.m.,

Present: Reps. Bishop, Patterson, Bradstreet, Green, Rocca, Vaughn, Brater, Garza, Lemmons.

Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been printed and placed upon the files of the members, Thursday, March 16:

House Bill Nos. 5509 5510 5511

The Clerk announced that the following Senate bills had been received on Thursday, March 16:

Senate Bill Nos. 257 769 893 894 1051 1162

By unanimous consent the House returned to the order of

Messages from the Senate**House Bill No. 5143, entitled**

A bill to amend 1959 PA 228, entitled "An act to promote the development of the Michigan fruit and vegetable industry; to define certain types and methods of fruit and vegetable storage; to prohibit the sale of fruits and vegetables misbranded as to type of storage; to provide for records; to provide for licensing of certain fruit and vegetable storage facilities; to provide for registration and permits for packers or repackers; to provide for revocation of licenses; to provide for the enforcement of this act; and to provide penalties for violation of this act," by amending sections 1, 2, 3, 4, 5, 6, and 9 (MCL 286.371, 286.372, 286.373, 286.374, 286.375, 286.376, and 286.379) and by adding sections 2a and 4a; and to repeal acts and parts of acts.

The Senate has passed the bill and ordered that it be given immediate effect.

The bill was referred to the Clerk for enrollment printing and presentation to the Governor.

Senate Bill No. 257, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8123 (MCL 600.8123), as amended by 1990 PA 54.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Family and Civil Law.

Senate Bill No. 769, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 8121 (MCL 600.8121), as amended by 1994 PA 138.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Family and Civil Law.

Senate Bill No. 893, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4701 (MCL 600.4701), as amended by 1998 PA 547.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Criminal Law and Corrections.

Senate Bill No. 894, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 145d (MCL 750.145d), as added by 1999 PA 32.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Criminal Law and Corrections.

Senate Bill No. 1051, entitled

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 8151 and 8152 (MCL 600.8151 and 600.8152), section 8152 as amended by 1990 PA 54.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Family and Civil Law.

Senate Bill No. 1162, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 1999 PA 39.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Criminal Law and Corrections.

Communications from State Officers

The following communication from the Department of Community Health was received and read:

March 14, 2000

As required by Section 22215(4) of the Public Health Code (Act 368, PA 1978, as amended), the standards for Megavoltage Radiation Therapy (MRT) Services/Units and Magnetic Imaging Resonance (MRI) were approved by the Certificate of Need Commission at its meeting held on March 14, 2000. Transmitted is a copy of the summary of the changes that were provided to you in our January 6, 2000 notification of Public Hearing.

Please contact Catherine Stevens, Manager, Health Facilities Section, at 517-241-3344 if there are any questions.

Sincerely,
James E. Maitland
Chairperson

The communication was referred to the Clerk.

Introduction of Bills

Reps. Allen, Richardville, DeRossett, Hager, Bradstreet, Kuipers, Faunce, Julian, Rick Johnson, Pappageorge, Birkholz, Mans, Bishop, Kukuk, Gosselin and Green introduced

House Bill No. 5512, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 4o (MCL 205.54o), as added by 1994 PA 156.

The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Stallworth, Scranton, Kelly, LaForge, Frank, Pestka, Rick Johnson, Daniels, Jellema, Mead, Pumford, Kilpatrick, Byl, Cherry, Tesanovich and Price introduced

House Bill No. 5513, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 266 (MCL 750.266).

The bill was read a first time by its title and referred to the Committee on Criminal Law and Corrections.

Reps. Stallworth, Kelly, LaForge, Frank, Pestka, Rick Johnson, Daniels, Scranton, Mead, Pumford, Kilpatrick, Byl, Cherry, Tesanovich and Price introduced

House Bill No. 5514, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16n of chapter XVII (MCL 777.16n), as added by 1998 PA 317.

The bill was read a first time by its title and referred to the Committee on Criminal Law and Corrections.

Rep. Sheltroun introduced

House Bill No. 5515, entitled

A bill to amend 1987 PA 230, entitled "Municipal health facilities corporations act," by amending section 304 (MCL 331.1304), as amended by 1988 PA 502.

The bill was read a first time by its title and referred to the Committee on Local Government and Urban Policy.

Rep. LaSata introduced

House Bill No. 5516, entitled

A bill to amend 1959 PA 243, entitled "An act to define, license and regulate trailer coach parks; to prescribe the powers and duties of the state health commissioner and other state and local officers; to provide for the levy and collection of specific taxes on occupied trailers in trailer coach parks and the disposition of the revenues therefrom; to provide remedies and penalties for the violation of this act; and to repeal certain acts and parts of acts," by amending sections 41 and 42 (MCL 125.1041 and 125.1042), section 42 as amended by 1994 PA 365.

The bill was read a first time by its title and referred to the Committee on Economic Development.

Rep. LaSata introduced

House Bill No. 5517, entitled

A bill to amend 1933 PA 167, entitled "General sales tax act," by amending section 25 (MCL 205.75), as amended by 1993 PA 325.

The bill was read a first time by its title and referred to the Committee on Economic Development.

Rep. LaSata introduced

House Bill No. 5518, entitled

A bill to repeal 1987 PA 96, entitled "The mobile home commission act," (MCL 125.2301 to 125.2349).

The bill was read a first time by its title and referred to the Committee on Economic Development.

Reps. Shackleton, Green, Gilbert, Kukuk, Richardville, Sheltroun, Rivet, Hager, Kowall, Van Woerkom, Bovin, DeRossett, Sanborn, Allen, Voorhees, Gosselin, Shulman, Hart, Rick Johnson, Lockwood, Middaugh, Faunce, Schermesser, Law, Basham, Callahan, Tabor, Bisbee, Bradstreet, Caul, Stamas, Jellema, Birkholz, Raczkowski, Scranton, Toy and Kuipers introduced

House Bill No. 5519, entitled

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding part 794; and to make an appropriation.

The bill was read a first time by its title and referred to the Committee on Conservation and Outdoor Recreation.

Rep. DeVuyst moved that the House adjourn.

The motion prevailed, the time being 5:45 p.m.

The Speaker Pro Tempore declared the House adjourned until Tuesday, March 16, at 12:00 Noon.

GARY L. RANDALL

Clerk of the House of Representatives.

